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<b>TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT</b>	Docket Number (Optional) <b>A328A-USA</b>
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In re Application of: Schulman, et al.  
 Application No.: 10/719,715  
 Filed: 11/21/2003  
 For: BATTERY-POWERED PATIENT IMPLANTABLE DEVICE

The owner, THE ALFRED E. MANN FOUNDATION FOR SCIENTIFIC RESEARCH, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent Nos. 6,185,452; 6,164,284; 6,564,807 as the term of said prior patents are defined in 35 U.S.C. 154 and 173, and as the term of said prior patents are presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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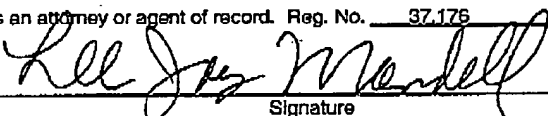
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- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 37,176

  
 Signature

October 11, 2005  
 Date

Lee J. Mandell  
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661-702-6700  
 Telephone Number

☒ Terminal disclaimer fee under 37 CFR 1.20(d) included, i.e., the PTO is authorized to charge this fee to our deposit account 50-0692.

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